

Department of Health
Environmental Management Division
Clean Water Branch

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<http://www.hawaii.gov/health/environmental/water/cleanwater/index.html>

Clean Water Branch

Responsible for implementing statewide water pollution control programs

- ◆ National Pollutant Discharge Elimination System (NPDES) Permit
- ◆ Section 401 Water Quality Certification (WQC)
- ◆ Polluted Runoff Control
- ◆ Water Quality Monitoring



NPDES

Federal Law and Regulation

- ◆ Section 402 of Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (Commonly referred to as Clean Water Act)
- ◆ 40 Code of Federal Regulations (CFR)



NPDES

State Law and Regulation

- ◆ Hawaii Revised Statutes, Chapter 342D, Water Pollution
- ◆ Hawaii Administrative Rules, Title 11, Chapter 54, Water Quality Standards
- ◆ Hawaii Administrative Rules, Title 11, Chapter 55, Water Pollution Control
- ◆ http://www.capitol.hawaii.gov/hrscurrent/Vol06_Ch0321-0344/HRS0342D/
- ◆ <http://www.hawaii.gov/health/about/rules/admrules.html>



Beginning of the NPDES Permit Program

- ◆ Regulates the discharges of wastewaters from municipal, industrial and federal facilities, such as:
 - > Wastewater treatment plant effluent
 - > Power plant process wastewater
 - > Concentrated animal feeding operation
 - > Sugar mill operation
 - > Mineral mining



Storm Water Regulations

- ◆ In 1987, Congress added 402(p) of the CWA which requires EPA to develop storm water regulations in phases
- ◆ To regulate storm water discharges from industrial activities
- ◆ On November 16, 1990, EPA adopted Phase I rules to regulate storm water discharges
- ◆ On December 8, 1999 EPA adopted Phase II storm water rules



Phase II Storm Water Rules

February 7, 2000

- ◆ Conditional “No Exposure” exclusion

March 10, 2003

- ◆ Small Municipal Separate Storm Sewer Systems (Small MS4)
- ◆ Construction activities 1 to 5 acres
- ◆ Municipally-Operated industrial activities



Types of NPDES Permit

- ◆ General permit
- ◆ Individual permit



General Permit

- ◆ Adopted as rules (Chapter 11-55)
- ◆ Similar nature of discharge
- ◆ Minor and Non-controversial
- ◆ Discharge initially enters either Class 2, Inland water or Class A, Marine water
- ◆ 30 days to process (with complete Notice of Intent)
- ◆ \$500 filing fee
- ◆ Good up to five (5) years



Individual NPDES Permit

- ◆ Discharge does not qualify for general permit coverage
- ◆ Custom made
- ◆ 180 days or more to process (with complete application)
- ◆ \$1000 filing fee
- ◆ Applicant responsible for publication fee
- ◆ Good up to five (5) years



When is an NPDES permit required for construction activities?

- ◆ An NPDES permit is required for any construction activities, including clearing, grading, and excavation, that result in the disturbance of **one acre or more** of total land area under a larger common plan of development or sale, **and**
- ◆ **Prior to commencement** of construction activities.



Construction Activities

• Larger Common Plan of Development or Sale

- ◆ A "larger common plan of development or sale" is a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.



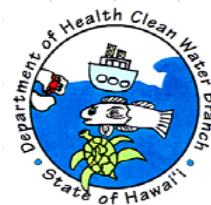
The “Plan” in a Common Plan of Development or Sale

- ◆ The “plan” is broadly defined as any announcement or piece of document (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot.



NOI Submittal

- ◆ For facilities/projects on the island of Oahu, submit one (1) copy of the NOI Form and supporting documents with the owner's original signature.
- ◆ For facilities/projects on the island of Hawaii, submit three (3) copies of the NOI Form and supporting documents. One copy of the NOI Form shall include the owner's original signature.
- ◆ For facilities/projects located on islands other than Oahu and Hawaii, submit two (2) copies of the NOI Form and supporting documents. One copy of the NOI Form shall include the owner's original signature.



NOI Submittal

- ◆ For NOI Form C: Any new construction activity which results in the disturbance of greater or equal to one (1) acre shall submit a complete NOI at least 30 days before the construction activity begins.
- ◆ For all other NOI Forms: The complete NOI Form(s) shall be submitted no later than 30 calendar days before the proposed starting date of any discharge activities or before the potential discharge of pollutants to State waters.



NOI Submittal to Department of Land and Natural Resources, State Historic Preservation Division (SHPD)

- ◆ New NOI is required to submit to the SHPD for their review and comment.
- ◆ Renewals and administrative extensions of NGPCs do not require SHPD review.
- ◆ Failure to comply is a ground for the DOH to find the NOI incomplete and suspend processing or return the NOI.



Certification

- ◆ To be signed by owner/operator with proper qualifications.
- ◆ For State or County projects, must be signed by Department Director.



Completeness of the NOI Form

- ◆ The NOI Form will not be considered complete unless every item is appropriately addressed. If an item does not apply, enter "N/A" for "not applicable," to show that the item was considered.
- ◆ An incomplete NOI Form will delay the issuance of the NGPC and also disqualify the owner or operator from obtaining automatic coverage.



Supporting Documents (Attachments to NOI)

- ◆ If reference is made in the NOI to attached supporting documents, the referencing statement should be written as follows:
 - "Refer to Attachment No. __, entitled "__" dated "__" on page __, and paragraph __," with the blanks filled in as applicable.
 - In addition, a separate list of all attached supporting documents shall be submitted with the NOI.



Notice of Cessation Form

- ◆ The Notice of Cessation shall be submitted when the discharge or activity, or phase of discharge or activity has ceased.
- ◆ To be signed by the owner/operator.



How to Obtain Latest NPDES Applications, Forms and Guidelines?

- ◆ Individual permit applications
- ◆ General Permit Notice of Intent Forms
- ◆ Available at Clean Water Branch website
- ◆ <http://www.hawaii.gov/health/environmental/water/cleanwater/forms/index.html>
- ◆ NEW! Individual permit application for construction activities is available



Recommendation

- ◆ Contact the Clean Water Branch as early as possible



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